

1 Healthcare -- and, of course, I have a copy for
2 you -- it's a federal case, Judge, district court
3 of the Northern District, Eastern Division.

4 The Court held in that case that the
5 report, the NAS report specifically, was created by
6 an act of Congress and that in doing so, this
7 report and its authors had a duty to report on its
8 investigations and their conclusions directly to
9 Congress.

10 That case holds that reports authored by
11 members or committees of NAS and groups that are
12 similarly situated must fulfill that legal duty.

13 THE COURT: Okay.

14 MR. CAVISE: That, of course -- that, of
15 course, is -- it's in line with a case
16 State v. Harper, which is out of Wisconsin, which
17 held just the same that where the United States
18 Congress has enacted legislation under which a
19 group must author a report, they have a duty to do
20 so, and it is error for a trial court to preclude
21 cross examination on the contents of the
22 forensic -- of the NAS forensic report.

23 And, of course, in Malendez-Diaz, which is
24 the United States Supreme Court from 2009, the

1 Supreme Court cited extensively to the NAS report
2 discussing problems of subjectivity, bias, and
3 unreliability of the most common forensic tests
4 such as latent print analysis.

5 THE COURT: Okay. It sounds to me like you're
6 putting the cart before the horse because you want
7 me to admit these documents as authoritative
8 documents that the Court is required to take
9 judicial notice of but you haven't established that
10 premise, that I'm required to take judicial notice
11 of them.

12 You certainly, based on these cases, may
13 have the right to cross examine the witness based
14 on those reports, but you still haven't shown me
15 that I have to admit them and take judicial notice
16 of them.

17 MR. CAVISE: Okay. Can I have a moment, Judge?

18 THE COURT: You may.

19 (Short pause.)

20 MR. CAVISE: Okay. Judge, having, of course,
21 heard your Honor that and if on substantive cross
22 examination, should your Honor qualify this
23 witness, we can either address this again or I may
24 use these documents to cross examine her.

1 I will --

2 THE COURT: You might. I haven't said that
3 yet. I said might. But right now you're asking me
4 to admit them into evidence.

5 MR. CAVISE: Sure.

6 THE COURT: As -- or for the Court to take
7 judicial that they are authoritative, and I have
8 not heard what they are authoritative in, or you
9 establishing that, indeed, the Court must take
10 judicial notice of these items.

11 MR. CAVISE: Sure. So having heard from the
12 witness, of course, at this stage, Judge, that she
13 hasn't read any of these documents, I will, in
14 fact, stop questioning at this point, and I'll ask
15 your Honor -- I would like to argue about her
16 qualifications.

17 THE COURT: We're going to get there, but I
18 don't know if she wants to rehabilitate or attempt
19 to rehabilitate before we get to the final question
20 of whether or not she's going to be admitted as an
21 expert.

22 MS. WATROBA: If I may just have a moment?

23 THE COURT: Are you done with your questioning
24 then?

1 MR. CAVISE: Yes, Judge.

2 THE COURT: All right.

3 MS. WATROBA: If I may just have a moment to
4 confer with my partner?

5 THE COURT: Yes. All right.

6 (Short pause.)

7 THE COURT: Are you tendering the witness?

8 MR. CAVISE: Yes, Judge.

9 THE COURT: Okay. Thank you.

10 All right. Go ahead.

11 MS. WATROBA: Thank you, Judge.

12 RE-DIRECT EXAMINATION

13 BY MS. WATROBA:

14 Q Officer Seavers, you have both during your
15 training and the course of your experience as a
16 latent print examiner with the Chicago Police
17 Department Lab, would it be fair to say you have
18 received technical training in that field, latent
19 print examination?

20 A Yes.

21 Q And have you also received specialized
22 training in that field?

23 A I have.

24 Q And based on your training and your field

1 experience as a latent print examiner, do you have
2 specialized knowledge of how to compare latent
3 print impressions to known impressions?

4 A I do.

5 MS. WATROBA: No further questions.

6 THE COURT: Anything as a result of those
7 questions?

8 MR. CAVISE: No, Judge. I would ask your Honor
9 that before argument if we can excuse the Officer
10 for argument.

11 THE COURT: We would do that, but do you have
12 any questions?

13 MR. CAVISE: I do not, Judge.

14 THE COURT: All right. You can step down
15 please. Don't go too far.

16 (Witness excused.)

17 THE COURT: All right. So do you have a motion
18 at this point?

19 MS. WATROBA: Oh, yes, Judge. At this time now
20 that voir dire have been completed, I would again
21 tender Officer Seavers as an expert in the field of
22 latent print examination.

23 THE COURT: All right. And your objection is?

24 MR. CAVISE: Thank you, Judge.

1 THE COURT: Go ahead.

2 ARGUMENT

3 BY MR. CAVISE:

4 Judge, Officer Seavers completely
5 undermines the integrity of fingerprint examination
6 testimony in every way.

7 Time after time, the state's attorney
8 brings in CPD analysts -- and, of course, here
9 we're talking about Officer Seavers -- and hopes
10 that the courts will ignore the obvious and glaring
11 deficiencies in education and training and
12 knowledge of the field and reliability that what
13 they will give this Court is valid testimony.

14 Ms. Seavers makes it clear that she will
15 willfully ignore my challenges to her credibility.
16 And --

17 THE COURT: Right. Let's focus on whether or
18 not she should be qualified as an expert versus the
19 value or caliber of her testimony because we're not
20 there yet.

21 MR. CAVISE: Okay. Well, my hope is that in
22 deciding whether the State met its burden in
23 showing your Honor that Officer Seavers can, in
24 fact, be qualified as an expert.

1 I hope that your Honor will consider the
2 role that Officer Seavers is supposed to play
3 generally, but certainly in this case in
4 particular. She has to be able to assist the
5 Court.

6 And forensic science experts are proffered
7 with typically very damning evidence. And the
8 reason why --

9 THE COURT: Yeah.

10 MR. CAVISE: -- the reason why courts continue
11 to receive that testimony from those they qualify
12 as experts is because typically the expert, him or
13 herself, and the science are shown to be credible
14 in voir dire and reliable -- in voir dire and at
15 trial.

16 In this case, Officer Seavers's testimony,
17 if your Honor qualifies her, will be the sole
18 evidence upon which the State seeks to secure a
19 conviction, and the problem with that is that we
20 just heard that we can't be confident that she can
21 give us reliable, qualified testimony.

22 I think that should deeply trouble the
23 Court. I think the aura of science with Officer
24 Seavers, the aura of impartial forensic scientific

1 testimony is completely absent.

2 We can't ignore the real danger that her
3 lack of knowledge would have in this court and in
4 this case if qualified to testify as an expert.

5 And even if we assume that, you know, someone
6 doesn't need to read every study, doesn't need to
7 read every piece of research that's published in
8 their field, we need to make sure that we're
9 understanding that there is a distinction between
10 reading every study versus reading really the most
11 basic foundational reforms and developments from
12 the most reputable organizations in the --

13 THE COURT: How would that preclude her as an
14 expert witness before the Court rather than impact
15 the quality of her testimony versus the
16 admissibility of her testimony as an expert.

17 MR. CAVISE: Sure. So if we accept, of course,
18 that this person doesn't have to be aware of all
19 this research to be qualified, the Court has
20 nothing in the record right now to support the
21 proposition that Officer Seavers even meets the
22 most basic minimum standards of objective vetting.

23 Her fingerprint training starts and stops
24 with the Chicago Police Department. She has an

1 undergraduate degree with no relation whatsoever to
2 fingerprint work or any science. She has somewhere
3 between two and three weeks total of training or
4 education after her one year apprenticeship.

5 And a significant portion of that training
6 is -- I went through the actual training from her
7 resume -- a significant portion of that had nothing
8 to do with fingerprint examination, and, of course,
9 none of it had to do with the current state of the
10 field.

11 Specifically, from 2009 until 2014, she had
12 zero hours of training and that's when most of this
13 reform was happening.

14 She just simply hasn't -- the training is
15 deficient.

16 THE COURT: The reforms are not facts in
17 evidence before this Court --

18 MR. CAVISE: Sorry, Judge.

19 THE COURT: -- at this time. All right.

20 MR. CAVISE: I'm sorry, Judge.

21 She did however tell your Honor, and I --
22 I'm sorry, I can't remember if the objection was
23 sustained or overruled, but she did however tell
24 your Honor that she's aware these report existed

1 and that in the eight years that they've been in
2 existence she hasn't bothered to read any of them.

3 She's got no quality assurance system.

4 She's got no error management system. There's no
5 documentation system for professional development.
6 There are no protocols. There are no procedures.
7 There's no actual guideline written-out training
8 program they go to conferences when they want to.
9 And she's not certified.

10 THE COURT: All right. Again, how do these go
11 to whether or not the Court should admit her as an
12 expert? What -- within the criteria that the --
13 and the established law for admissibility of an
14 expert, is she remiss on or has the State failed to
15 present so that she should be excluded as an
16 expert?

17 MR. CAVISE: Judge, it's my contention that
18 what the State presented and what I crossed on
19 should actually help this Court conclude that she's
20 not qualified as an expert, period.

21 And what I just outlined for your Honor,
22 what really was an reiteration of the words from
23 her mouth is that everything that we could possibly
24 point to as a metric of whether someone has the

1 underpinning to be qualified as an expert, she's
2 missing all of it.

3 Now, I would jump to this idea, which I'm
4 sure the State will bring up, that somehow --

5 THE COURT: Is there any evidence that there --
6 the items for which you cross examined her are
7 required underpinnings such that if she lacks them,
8 she would not qualify as an expert?

9 MR. CAVISE: Your Honor, doesn't -- this is all
10 within your discretion, of course. There's nothing
11 that tells your Honor that because she's not
12 certified, because there's no accreditation,
13 because there's no oversight, because there's no
14 education, and because there's no training, you
15 can't say that she's an expert. That -- you can,
16 of course, still qualify her as an expert, but what
17 I think -- considering that she's lacking all of
18 that, what it seems to me the Court would have to
19 rest on is the idea that she's been doing this for
20 a while, which I know is exactly what the State
21 will present your Honor. That is a big problem.

22 Saying that she's done this for a while
23 should not establish -- should not establish
24 expertise. What value does the experience have

1 when she doesn't have the requisite training and
2 knowledge? All we can be sure of in that instance
3 is that she may have been doing this wrong this
4 entire time.

5 Her experience doesn't have --

6 THE COURT: Isn't that a fact that I don't have
7 before me at this time such that I can then
8 determine that she's not an expert because she's
9 been doing it wrong? Don't you want me to assume
10 she's been doing it wrong?

11 MR. CAVISE: Don't I want you to assume she's
12 been it wrong? Sure.

13 THE COURT: But don't you have to present me
14 with some evidence to show that she's been doing it
15 wrong, such that she no longer qualifies as an
16 expert?

17 MR. CAVISE: Sure. And I would love to be able
18 to present you with that but, of course, as you've
19 heard, they keep no documentation of any
20 disagreements and no one has ever said that they
21 disagree with her.

22 Now, what I think -- during the direct on
23 voir dire, what we heard is that the method, ACE-V,
24 is about looking at prints, and so, of course, it's

1 logical for this Court to conclude that this
2 method, which is well accepted, I'm not challenging
3 fingerprints, is entirely subjective.

4 And the reason why that's important is
5 because it's unlike another method, say DNA, where
6 you run it through a machine and as long as the
7 machine is calibrated, you can believe that it's
8 reliable.

9 In this instance, Ms. Seavers is that
10 machine, and the lack of the training, the lack of
11 everything that we've outlined show that she's not
12 calibrated to do this.

13 Now, do I have for your Honor a sheet of
14 paper that says this person has made a mistake?
15 No. And frankly I don't think the State would ever
16 bring this person in here if they've been found to
17 have made a mistake.

18 But what we have here is the State asking
19 your Honor to qualify someone as an expert who --
20 if you do, Judge, I think we can probably agree is
21 really at that minimum threshold. And, of course
22 my objection for you today --

23 THE COURT: That's all they need to meet;
24 right?

1 MR. CAVISE: And my objection here today is to
2 say her testimony, based on what we've heard in
3 voir dire, despite me fumbling over the documents,
4 it's going to amount to "Trust me." And I just
5 don't think that you should. I don't think you
6 should qualify her.

7 THE COURT: State?

8 ARGUMENT

9 BY MS. WATROBA:

10 Judge, Illinois Rule 11 and 702 sets forth
11 the standard that applies for qualification of an
12 expert to testify. And that is if scientific
13 technical or other specialized knowledge will
14 assist the trier of fact understand the evidence,
15 and determine the fact in issue, a witness
16 qualified as an expert by knowledge, skill,
17 experience, training, or education may testify
18 thereto in the form of an opinion or otherwise.

19 You've heard testimony from Officer
20 Seavers, herself, regarding her experience, her
21 education, her training, her field experience.

22 You also have Minor Respondent Exhibit No.
23 1, which is her actual CV, which further outlines
24 that.

1 I think that -- I'll briefly respond to
2 Counsel's argument -- I think that many of them are
3 misplaced. They are arguments that possibly if
4 they are appropriately put before your Honor would
5 be issues of weight later on in her testimony, if
6 she's accepted as an expert.

7 I would also point out that they are also,
8 I believe, mixing the issue of general acceptance
9 which Counsel has conceded that they are not
10 contesting fingerprint -- the validity of
11 fingerprint examination in the ACE-V method which
12 she has already said she used here.

13 All that is before your Honor is the
14 question whether Officer Seavers is qualified, and
15 we believe that she is more than -- she has
16 established that she is more than qualified by her
17 training, experience, education, and her
18 specialized skill. And because there was a -- you
19 heard from ET McDonough -- that there was a latent
20 print lifted from a coin container inside the
21 residence that burglarized, and that her knowledge
22 is necessary to assist you as the trier fact in
23 determining whether Minor Respondent should be
24 adjudicated delinquent.

1 Thank you.

2 THE COURT: All right.

3 I have had an opportunity to hear the
4 testimony of Officer Seavers. And I agree with the
5 State that they have met their minimal burden at
6 this time pursuant to the Rules of Evidence 702 to
7 qualify her as an expert in latent print
8 identification.

9 I think that many of issues that Counsel
10 raise will go to the weight to be accorded her
11 testimony or the quality of her testimony, but it
12 does not go to the issue of whether or not she
13 should be admitted as an expert at this time, and
14 therefore I am finding that she is an expert in
15 latent print identification.

16 I think at this time it may be a good time
17 to break for lunch so that everybody can stretch
18 their legs and maybe have something to eat and then
19 we can come back and continue with the rest of the
20 case.

21 It's now almost 1:15. If I could have
22 everybody come back at -- I would like to say 2:00,
23 but that would mean people are only going to have
24 45 minutes. If they're in agreement, we can come

1 back at 2:00.

2 (Discussion off the record.)

3 THE COURT: 2:00 o'clock, please.

4 (Recess.)

5 (BACK ON THE RECORD FOR DARIUS BROOKS.)

6 THE COURT: All right. We're back on the
7 record, on the ~~1999~~ the matter of ~~Smith~~
8 ~~Smith~~.

9 State, are you ready to recall your witness
10 for the case-in-chief?

11 MS. WATROBA: Yes, Judge. We'd recall Officer
12 Cynthia Seavers.

13 THE COURT: All right.

14 Officer Seavers, you're still under oath.
15 Have a seat.

16 (Short pause.)

17 OFFICER CYNTHIA SEAVERS,
18 recalled as a witness on behalf of the People
19 herein, having been previously duly sworn, was
20 examined and testified further as follows:

21 DIRECT EXAMINATION

22 BY MS. WATROBA:

23 Q Now, before I ask you about the work you
24 did in this case regarding latent print impressions

1 and known standards, I'd like to talk to you a
2 little about fingerprint identification in general.
3 What are the two basic principles of the science of
4 fingerprint identification?

5 A One would be permanence and the second
6 would be uniqueness individualization.

7 Q Okay. Could you explain briefly what
8 uniqueness is, what that principle is?

9 A The uniqueness individualization is that to
10 date no two individuals have been found to have the
11 same friction ridge impressions.

12 Q Okay. And what about permanence, could you
13 briefly explain that scientific principle?

14 A Permanence is approximately four-months
15 gestation. The friction ridge design remains the
16 same throughout life until death takes place and
17 decomposition sets in.

18 Q So is it fair to say friction ridge skin X
19 is formed in utero, you said?

20 A That's correct.

21 Q And from the time of completion of the
22 formation to the rest of the life -- a person's
23 life that pattern does not change; is that correct?

24 A That is correct.

1 Q Okay. What is a latent print?

2 A A latent print is a chance impression. It
3 is an impression made through the transfer of
4 materials such as grease, dirt, oil, sweat, or any
5 other foreign substance that may be on the friction
6 skin at the time that an object is touched.

7 These prints are usually not visible to the
8 eye and require some type of processing with
9 powders.

10 Q Okay. What is friction ridge skin?

11 A Friction ridge skin are -- is the raised
12 ridges on the palmar side or plantar side of the
13 skin. These raised ridges secrete sweat from pores
14 and when an object is touched, it leaves an
15 impression sometimes with other materials also
16 could be on the friction skin at the same time the
17 sweat is, and it also allows us to have a grip on
18 things.

19 Q Okay. So now you said there're raised
20 ridges. Are there -- is there something that
21 is not furrows --

22 A Raised. Yes.

23 Q -- furrows, is that what that's called?

24 Okay.

1 A Yes.

2 Q Okay. Now, how many levels of detail does
3 friction ridge skin have?

4 A There are three levels of detail.

5 Q Okay. Let's take them one by one if you
6 don't mind.

7 A Uh-huh.

8 Q The first level of detail, could you
9 describe what first level of detail is of friction
10 ridge skin?

11 A That would be the pattern type. There are
12 three patterns -- an arch pattern, a whorl pattern,
13 and a loop pattern.

14 Q Okay. Now, what about second level of
15 detail?

16 A Second level detail would be the ridge --
17 the ridge path, excuse me, the characteristics such
18 as any ridge, bifurcation, dot, et cetera.

19 Q Okay. And then what about the third level
20 of friction ridge skin?

21 A Third level of -- level detail would be
22 ridge structure, such as pore detail, edge --
23 edgeoscopy, excuse me, the edges of the ridges.

24 Q Okay. Now is it possible, Officer, for a

1 person to touch an object with their friction ridge
2 skin and not leave behind a latent impression?

3 A Yes, it is.

4 Q Okay. Is also possible that while a latent
5 impression could be left behind that it could be
6 smeared or something could be done to it or it
7 would be in a condition that it would not be
8 capable of being lifted?

9 A Yes.

10 Q And is it also possible that they could
11 leave behind an impression that could be lifted but
12 might not be suitable for comparison?

13 A Yes.

14 Q Now, what methodology do you use as a
15 latent print examiner to examine and compare latent
16 print impressions?

17 A That would be ACE-V methodology.

18 Q And what does this stands for?

19 A The Analysis, the Comparison, the
20 Evaluation and the Verification process.

21 Q And I'd like to take you through -- and I
22 believe you testified earlier that this --

23 THE COURT: I'm sorry, can you give me those
24 acronyms a little slower. I'm not writing as quite

1 as fast you said them.

2 THE WITNESS: Sure. Sorry, ma'am.

3 THE COURT: So ACE-V?

4 THE WITNESS: Is the Analysis --

5 THE COURT: Okay.

6 THE WITNESS: -- the Comparison, the
7 Evaluation, and the Verification.

8 THE COURT: Okay. Got it.

9 BY MS. WATROBA:

10 Q And I believe you testified earlier that
11 the ACE-V methodology is generally accepted in the
12 community of latent print examination; is that
13 correct?

14 A Correct.

15 Q And that you've been trained in this
16 particular methodology?

17 A Yes.

18 Q And, in fact, that you've used it for the
19 entirety of your career as a latent print examiner?

20 A Correct.

21 Q Okay. So now, I'd like to take you just
22 briefly through the different steps. Would you
23 please explain what is involved in the analysis
24 step of ACE-V?

1 A The analysis is an assessment of the
2 friction ridge impression to determine suitability
3 for comparison regarding -- excuse me, the clarity
4 and quantity of detail in looking at the three
5 levels of detail which we've just discussed.

6 Q And do you use any tools to conduct that
7 step of the analysis?

8 A I do.

9 Q What tools do you use?

10 A I use two five-time magnifying glasses,
11 pointers, to point to each detail as I'm going
12 through, and proper lighting.

13 Q Okay. Now, at that point after you have
14 analyzed the characteristics and details of a
15 print, do you make a determination about whether it
16 is in such a condition that it could be compared to
17 other prints?

18 A I do.

19 Q And what are the two conclusions you could
20 reach -- or what conclusions could you reach at the
21 end of the analysis stage?

22 A If it's suitable for comparison, if it's
23 suitable or not suitable.

24 Q Okay. So I would assume that then you

1 would only proceed to step two if you had a
2 suitable impression. Is that fair to say?

3 A That is fair.

4 Q Okay. So that would be the comparison
5 state -- or step; is that correct?

6 A Correct.

7 Q Could you describe for the Judge, what you
8 do during the comparison step.

9 A Sure. The comparison step is a direct
10 side-by-side comparison of the friction ridge
11 detail to determine whether the detail in the two
12 impressions is in agreement based on similarity,
13 sequence, and spacial relationship.

14 Q Okay. And when you're talking about two
15 prints, is it generally an unknown print and a
16 known print?

17 A Correct.

18 Q Okay. And when you -- after the comparison
19 stage where you're looking at the two prints
20 side-by-side, you next move on to evaluation; is
21 that correct?

22 A That is correct.

23 Q What's involved in the evaluation step?

24 A The evaluation would be a determination

1 whether or not the print from the analysis and the
2 comparison is an identification or inconclusive or
3 exclusion.

4 Q Are those the three conclusions you can
5 reach at that point?

6 A Yes.

7 Q Okay. Now, if you have -- I would assume
8 you'd only move on to the next if you had an
9 identification; is that correct?

10 A That is correct.

11 Q And that would be the fourth step,
12 verification?

13 A Verification.

14 Q And what happens during the verification
15 step?

16 A The verification step is an independent
17 examination by another examiner resulting in the
18 same conclusion.

19 Q Now, I believe you mentioned that you use
20 magnifiers and a pointer as tools; correct?

21 A Correct.

22 Q Do you use those during every step of your
23 analysis?

24 A Yes.

1 Q Okay. And at any time do those tools
2 change or alter the prints in any way that you're
3 examining?

4 A They do not.

5 Q Okay. Now, we spoke a little briefly about
6 the three levels of detail with a latent impression
7 and the tools that you've used. Could you describe
8 for the Judge basically when you have those two
9 prints in front of you and you're examining them
10 under a microscope, how you go about doing that
11 side-by-side comparison.

12 A Sure. I look at the unknown print and the
13 known print and I look for a focal point and I find
14 that focal point and I go from there to determine
15 that the unit relationship and the relative
16 positioning between the detail is similar without
17 any unexplainable dissimilarities.

18 Q So once you find a focal point do -- would
19 it be fair to say that you kind of work out and go
20 back and forth between the prints to compare them?

21 A Correct.

22 Q Okay. Now, are you able to make an
23 identification between an unknown print and a known
24 print based solely on the first level detail?

1 A No.

2 Q Okay. If you have sufficient points of
3 comparison and quality, are you able to make an
4 identification with second level detail?

5 A Yes.

6 Q Okay. So it's not necessary to have third
7 level detail in order to make an identification, is
8 that fair to say?

9 A That's fair to say.

10 Q Now, when you make an identification
11 between an unknown print and a known print, is
12 there a magic number of points and similarities or
13 quantity of points of agreement that are necessary
14 to reach that conclusion to make an identification?

15 A There is not.

16 Q Okay. So there'd be no minimum; is that
17 fair to say?

18 A Yes.

19 Q And no maximum that's required to make an
20 identification?

21 A Correct.

22 Q And is your identification of a print to a
23 known print based on both the quality of the ridge
24 detail and the quantity of the points in agreement?

1 A Yes.

2 Q And that's based on your experience, your
3 training, and your knowledge in the field of latent
4 print examination; correct?

5 A Correct.

6 Q Okay. Now, I'd like to ask you
7 specifically about the work that you did on this
8 case. Were you assigned to do -- to do fingerprint
9 examinations and comparisons in police RD Number

10

[REDACTED]

11 A Yes.

12 Q Okay. And did you bring anything here
13 today that would assist you with your testimony?

14 A I did.

15 Q What did you bring?

16 A My case file.

17 Q Okay.

18 MS. WATROBA: Your Honor, at this time if
19 there's no objection from Counsel I'd ask that the
20 witness be allowed to refer to her reports and case
21 notes as needed.

22 MR. CAVISE: No objection.

23 THE COURT: All right. She may.

24 (Short pause.)

1 BY MS. WATROBA:

2 Q All right. Now, I'd like to direct your
3 attention -- you said you did do examinations in
4 the case number with the RD that I just stated;
5 correct?

6 A Yes, I did.

7 Q Okay. Did you do -- I'd like to direct
8 your attention to [REDACTED] of [REDACTED] Did you receive --
9 approximately in [REDACTED] did you receive latent print
10 lifts under Inventory Number [REDACTED]?

11 A I did.

12 MS. WATROBA: May I approach the witness, your
13 Honor?

14 THE COURT: You may.

15 BY MS. WATROBA:

16 Q I'm showing you what's in evidence as
17 People's Exhibit No. 13. Do you recognize that?

18 A I do.

19 Q What is that?

20 A This is the envelope with the inventory of
21 five lifts that the evidence technician brought to
22 our unit.

23 Q Okay. And when you received that, is that,
24 in fact, the item that you received?

1 A Yes, it is.

2 Q And were there, in fact, five lifts inside
3 of that?

4 A Yes, there were.

5 Q Okay. And did you examine those five
6 lifts?

7 A I did.

8 Q Are those lifts in there?

9 A Yes.

10 Q Okay. You've had an opportunity to look at
11 those prior to court today?

12 A Yes.

13 Q Okay. And this -- other than the
14 additional markings it appears to be in same or
15 substantially the same condition as it was when you
16 had it?

17 A It is.

18 Q Now, I'd like to direct your attention to
19 one lift in particular that was contained in
20 People's Exhibit No. 13, specifically, lift

21 **REDACTED**. Did you conduct an examination of that
22 impression?

23 A I did.

24 Q Did you make a -- did you use the

1 methodology that you previously described?

2 A Yes, I did.

3 Q And did you make a determination if that
4 impression was suitable for comparison purposes?

5 A Yes, I did.

6 Q And what was that conclusion?

7 A Conclusion that it was suitable for
8 comparison.

9 Q Okay. Now, at that time when you made that
10 determination, did you have any suspect prints to
11 compare to that impression?

12 A No suspect prints, no.

13 Q Okay. Did you have elimination prints?

14 A I had an elimination print, yes.

15 Q And what are elimination prints?

16 A An elimination print is a known print
17 standard from the victim.

18 Q Okay. And did you examine the elimination
19 prints also in the matter that you just described?

20 A I did.

21 Q And did you compare the elimination prints
22 to the latent print impression which I'll refer to
23 as Impression D?

24 A Yes, I did.

1 Q And what were -- did you reach any
2 conclusions regarding that comparison?

3 A I did. It was an exclusion.

4 Q An exclusion. Okay. Now, after you did
5 that comparison, what, if anything, did you do next
6 with Latent Impression D?

7 A I placed Latent Impression D into the AFIS
8 System.

9 Q And what is the AFIS System?

10 A It's a database.

11 Q A database containing what?

12 A Containing fingerprints and palm prints.

13 Q Okay. And could you briefly describe how
14 you put that impression into the AFIS System?

15 A I place it under a camera that the AFIS
16 System has and it takes a picture of the impression
17 and puts it through the AFIS System.

18 Q Okay. And then what, if anything, did the
19 AFIS System generate with respect to Latent
20 Impression D?

21 A It came back with a candidate list of ten
22 candidates.

23 Q Okay. And what did you do at that point?

24 A At that point I went to the first candidate

1 and did a comparison.

2 Q Okay. Now, let me just back up for a
3 second. When you say "candidate," are the
4 candidates to a particular, like, person's multiple
5 fingerprints, or is it a particular print on a
6 particular standard?

7 A It comes back with one standard -- one
8 finger.

9 Q One finger. Okay. So I'm sorry to
10 interrupt you. So please explain what you did
11 after you got the list of candidates.

12 A I pulled the first candidate from the
13 archive. It's fingerprint standards.

14 Q Okay.

15 A I print it from the archive, and I went
16 back to my desk and did a manual comparison with
17 the latent print to the number three finger of the
18 candidate --

19 Q Okay.

20 A -- lift -- Candidate Number 1.

21 MS. WATROBA: For the record, I'm showing
22 opposing Counsel what I've marked as People's
23 Exhibit No. 15 for identification. May I approach
24 the witness, your Honor?

1 completed it?

2 A Yes.

3 Q Okay. So you used the ACE-V method,
4 correct, to do the comparison?

5 A Correct.

6 Q And did you -- were you able to reach a
7 conclusion regarding your comparison of Latent
8 Print D to People's Exhibit No. 15?

9 A Yes.

10 Q And what was the conclusion?

11 A An identification.

12 Q Okay. And what do you mean by "an
13 identification"?

14 A That the unknown source and the known
15 source were made by the same finger.

16 Q The unknown print and the known print?

17 A Yes.

18 Q It made that same finger. Okay. Did you
19 also create, when you did that comparison -- did
20 you create a document with images showing some of
21 the points and comparisons that you noted during
22 that comparison?

23 A Yes, I did.

24 MS. WATROBA: I'm showing Counsel what I've

1 THE COURT: You may.

2 BY MS. WATROBA:

3 Q I'm showing you what is marked as People's
4 Exhibit No. 15. Do you recognize this?

5 (People's Exhibit No. 15 marked
6 for identification.)

7 A I do.

8 Q What do you recognize it to be?

9 A The fingerprint standard of ~~XXXXXX~~.

10 Q Okay. And is this the standard that you
11 just discussed that you compared the unknown
12 impression to following the AFIS --

13 A It is.

14 Q -- Association?

15 A Yes. My initials are on there.

16 Q Okay. And you said you compared the
17 unknown Lift D to a particular number finger?

18 A Yes, I did. The number three finger, the
19 right middle.

20 Q Okay. And did you make any notations on
21 this document that indicate that?

22 A I did.

23 Q And does this appear to be in the same or
24 substantially the same condition as it was when you

1 marked People's Exhibit No. 16 for identification.

2 THE COURT: All right.

3 MS. WATROBA: May I approach the witness?

4 THE COURT: You may.

5 BY MS. WATROBA:

6 Q I'm showing you what is marked as People's
7 Exhibit No. 16 for identification. Do you
8 recognize that?

9 (People's Exhibit No. 16 marked
10 for identification.)

11 A I do.

12 Q What do you recognize it to be?

13 A It's foundation. The unknown print and the
14 latent print -- the latent print pictures with the
15 characteristics pointed out.

16 Q Okay. And did you put this document
17 together --

18 A Yes, I did.

19 Q -- as part of your work in this case?

20 A Yes.

21 Q Does it appear to be in the same or
22 substantially the same condition as it was when you
23 created it?

24 A It is.

1 MS. WATROBA: Your Honor, at this time I'd ask
2 to admit People's Exhibits No. 15 and 16.

3 THE COURT: Any objections?

4 MR. CAVISE: No objection, Judge.

5 THE COURT: All right. There being no
6 objection, I will move into evidence what's been
7 previously marked as People's Exhibits No. 15 and
8 16 for identification.

9 (People's Exhibits No. 15 and 16
10 admitted into evidence.)

11 MS. WATROBA: And I will tender 15 to your
12 Honor, but 16 I'm going to use briefly with the
13 witness.

14 THE COURT: All right.

15 MS. WATROBA: I'll stand this way. Perhaps you
16 can see.

17 BY MS. WATROBA:

18 Q So directing your attention to People's
19 Exhibit No. 16. What is the image on the left?

20 A That is the latent print.

21 Q Okay. And is that a -- for lack of a
22 better word, like a blowup?

23 A Yes. It is a blowup of the latent print
24 image.

1 Q So does it in any way alter the latent
2 print image itself?

3 A No, it does not.

4 Q Okay. And what's on the right? What image
5 is on the right?

6 A It is a blowup of the known print.

7 Q And again does that not in any way -- does
8 that in any way distort or change the known latent
9 print impression?

10 A It does not.

11 Q Okay. And now I noticed that there's a
12 series of red dots on both of these pictures.
13 Could you explain to the Judge what those are?

14 A The red dots are unique characteristics
15 which I marked, similarities between the latent
16 print and the known print.

17 Q Okay. And now there's a number of red dots
18 on both of these impressions. Are those the only
19 points of similarity that you noted between the two
20 impressions?

21 A No, it is not.

22 Q Would it be fair to say that this is an
23 illustrative example of the points of comparison?

24 A Yes, it is.

1 MS. WATROBA: I'll tender your Honor Exhibit
2 16.

3 THE COURT: Okay.

4 BY MS. WATROBA:

5 Q Now, after you made that identification, in
6 May of 2016, did you move onto the fifth step of
7 the ACE-V methodology?

8 A Yes.

9 Q And so did -- does that mean that another
10 fingerprint examiner did an independent evaluation,
11 the verification step?

12 A Yes.

13 Q And who was that examiner?

14 A Latent print examiner Meckee (phonetic).

15 Q Now, I'd like to direct your attention to
16 October of 2016. Were you asked to do another
17 comparison of the latent print -- Latent Print D in
18 this case to a confirmatory known standard?

19 A Yes, I was.

20 MS. WATROBA: I'm showing you what's -- Counsel
21 People's Exhibit 14.

22 BY MS. WATROBA:

23 Q I'm showing you what's marked as --

24 MS. WATROBA: May I approach?

1 THE COURT: You may.

2 MS. WATROBA: Thank you.

3 BY MS. WATROBA:

4 Q I'm showing you People's Exhibit No. 14
5 which is already in evidence. Do you recognize
6 that?

7 A Yes, I do.

8 Q What do you recognize that to be?

9 A The fingerprint standard of [REDACTED]
10 with my initials on the number three finger, right
11 middle.

12 Q Okay. And does this -- is this in the same
13 or substantially the same condition as it was when
14 you conducted your examination?

15 A Yes, it is.

16 Q So, did you compare -- again, using the
17 ACE-V methodology --

18 A Yes.

19 Q -- latent lift or Latent Impression D to
20 the number three finger in People's Exhibit No.
21 14?

22 A Yes, I did.

23 Q And did you reach a conclusion regarding
24 that comparison?

1 A I did.

2 Q What was your conclusion?

3 A Individualization -- identification.

4 Q And again an identification means what?

5 A That the -- the known print and the unknown
6 print were made by -- they were made by the same
7 source.

8 Q Okay. Now, did you prepare, Officer, a
9 visual aid for court today that will help you
10 explain to the Judge how you reached the conclusion
11 with respect to the second comparison?

12 A I did.

13 MS. WATROBA: May I approach, your Honor?

14 THE COURT: You may.

15 MS. WATROBA: I've showed Counsel what's marked
16 as People's Exhibit No. 17 for identification.

17 BY MS. WATROBA:

18 Q And I'm now showing it to the witness. Do
19 you recognize People's Exhibit 17?

20 (People's Exhibit No. 17 marked
21 for identification.)

22 A I do.

23 Q What do you recognize it to be?

24 A The chart that I had made.

1 Q Okay. And what is on the left side of the
2 chart?

3 A It is a blowup of the latent print image.

4 Q Is that latent print lift -- or Lift D --

5 A Lift D, yes.

6 Q Okay. And what is on the right?

7 A It is blowup of the known print.

8 Q From which finger?

9 A From the number three finger.

10 Q Okay.

11 A Right middle.

12 Q And would this demonstrative exhibit help
13 you with your testimony here today?

14 A Yes.

15 Q And do these blowups of these images, do
16 they in any way alter the latent print impressions
17 that you examined?

18 A They do not.

19 MS. WATROBA: Your Honor, at this time we'd ask
20 to admit and publish People's Exhibit 17.

21 THE COURT: Any objection?

22 (Short pause.)

23 MR. CAVISE: Judge, I object to it being
24 admitted. This was tendered and shown to me as a

1 demonstrative exhibit. The original document has
2 already been admitted into evidence.

3 MS. WATROBA: Actually, the original document
4 was from the first comparison. This is from the
5 second comparison, I believe.

6 MR. CAVISE: Can I see that? That's not
7 what --

8 (Short pause.)

9 MR. CAVISE: No, objection, Judge.

10 THE COURT: All right. There being no
11 objections, I will move into evidence what's been
12 previously marked as People's Exhibit No. 17 for
13 identification.

14 (People's Exhibit No. 17 admitted
15 into evidence.)

16 MS. WATROBA: I don't know if your Honor will
17 be able to see it from there well enough or if --

18 THE COURT: You might move in a little bit.
19 Sorry.

20 THE WITNESS: You want me come up?

21 MS. WATROBA: I think you need to be by the
22 microphone.

23 THE WITNESS: Okay.

24 MS. WATROBA: Do you guys want to see? Joe,

1 you want to reposition?

2 MR. CAVISE: Sure.

3 BY MS. WATROBA:

4 Q Okay. Using this exhibit, People's Exhibit
5 17, could you describe to the Judge what you noted
6 with the dots and lines and numbers?

7 A Your Honor, I looked at the unique
8 characteristics, and I found a focal point as an
9 enclosure at the bottom of the impression here. It
10 is two ridges that enclose, and I marked those.

11 I counted up, one, two, three ridges and
12 found an ending -- an ending ridge, excuse me, then
13 I counted up one ridge, went down and found a
14 bifurcation. If I go to the known print here, as I
15 just explained to you, the enclosure at the bottom
16 here was a focal point for me, and I went to the
17 known print and noted enclosure. I went up three
18 ridges and find an ending ridge and the known
19 print, and here it is in the latent print, I go up
20 one ridge over -- one ridge over and find a
21 bifurcation in both the latent print and known
22 print.

23 I go up one ridge, over to the left, same
24 -- over to the left and find a bifurcation and

1 continued my way through.

2 The numbers here are just numbered for
3 points, not as the actual -- I didn't start up here
4 when I did the original.

5 THE COURT: Okay.

6 BY MS. WATROBA:

7 Q And so did you -- the way that you just
8 described moving from one print to the other and
9 noting different points, did you continue to do
10 that for the --

11 A I did throughout the entire impression --

12 Q Okay.

13 A -- and found enough similarities to
14 conclude that this was made by the same finger.

15 Q Okay. And again you've noted I think it
16 looks like 14. You pointed out 14 points of
17 comparison, but were there only 14 points of
18 comparison --

19 A No. There is more than 14.

20 Q Thank you.

21 MS. WATROBA: I'll tender this to the Court,
22 your Honor.

23 THE COURT: Okay.

24

1 BY MS. WATROBA:

2 Q Now, again, with respect to the second
3 comparison that you just described, after you
4 reached your conclusion of an identification, did
5 you move on to the verification step of the
6 process?

7 A Yes.

8 Q And what happened in that -- or strike
9 that. As part of the verification, did another
10 examiner conduct an independent examination of the
11 unknown impression and the known impression?

12 A Yes.

13 Q And who was that examiner?

14 A Latent print examiner Meckee.

15 Q Did you maintain, Officer Seavers, a proper
16 chain of custody over inventory items in this case
17 at all times?

18 A Yes.

19 Q And did you use generally accepted methods
20 in conducting your examination in the comparisons
21 of this case?

22 A I did.

23 Q And are your opinions here today based on
24 your knowledge, experience, training, and

1 methodology that is generally accepted in the field
2 of fingerprint examinations?

3 A Yes.

4 MS. WATROBA: If I may just have a moment, your
5 Honor?

6 THE COURT: You may.

7 (Short pause.)

8 MS. WATROBA: I have no further questions, your
9 Honor. I will tender back to the Court People's
10 Exhibit 15.

11 THE COURT: Okay.

12 (Short pause.)

13 CROSS EXAMINATION

14 BY MR. CAVISE:

15 Q Officer Seavers, it's safe to say the meat
16 and potatoes of fingerprint examination is the
17 level two features; right?

18 A Yes.

19 Q Okay. Thank you. You can't claim to have
20 made identification with level one features?

21 A That's correct.

22 Q Okay. And level three features, is when
23 they're clear, are, so to speak, the icing on the
24 cake; is that fair to say?

1 A They're an advantage, yes.

2 Q Okay. What you need though are those level

3 two features; right?

4 A Yes.

5 Q And they come in varieties that we're

6 talking bifurcations and ridge endings like you

7 just discussed; right?

8 A Yeah.

9 Q Okay. Officer Seavers, sometimes certainly

10 it's difficult to distinguish between a bifurcation

11 and a ridge ending when you're looking at a latent

12 crime scene print; right?

13 A Yes.

14 Q Okay. Sometimes it's easy; right?

15 A Yes.

16 Q You can have a very clear print; right?

17 A Yes.

18 Q Okay. Things that might affect that

19 distinction would be, for example, degrees of

20 pressure when the finger -- when the print was made

21 that could influence the difficulty of making those

22 distinctions; right?

23 A Correct.

24 Q Okay. And so can the surface that a print

1 was laid on; right?

2 A Correct.

3 Q Sometimes when you look at a latent, you're

4 going to notice things like smudging; right?

5 A Yes.

6 Q Okay. And you also noticed distortion;

7 right?

8 A Yes.

9 Q Okay. And there's a term in your field to

10 describe the difficulty of determining a

11 distinction between bifurcation and ridge ending

12 called "connected ambiguity"; isn't that right?

13 A I've heard of it.

14 Q Okay. You've heard of it. And when you

15 look at a print, I believe, you said it's in the A

16 Phase. The first thing you have to do in the "A"

17 or the analysis phase is decide if you got a print

18 that you can actually say is suitable to move

19 ahead; right?

20 A Correct.

21 Q Okay. And it's in that phrase that you

22 decide if you got a print of value; is that right?

23 A Correct.

24 Q Okay. Now, sometimes prints that come from

1 a crime scene can be perfectly processed correctly
2 but could just be of such poor quality that you
3 won't have anything to compare it to; is that
4 right?

5 A Yes.

6 Q Okay. And sometimes although it happens
7 rarely, you'll get a print that's such a high
8 quality that you could look at an inked card and it
9 looks like it's close to the same; right?

10 A Correct.

11 Q Okay. Now, of course, obviously the worse
12 the quality, the harder it is to determine the
13 possible source of a print; right?

14 A Yes.

15 Q There are ranges of difficulty in your
16 field; right?

17 A Okay.

18 Q Okay. Now, smudging specifically can have
19 the effect of blurring ridges together such that
20 it's hard to see the details in the areas of
21 smudging; right?

22 A Yes.

23 Q Okay. And sometimes, in addition to
24 smudging, prints -- crime scene prints can have

1 areas that are fainter than other areas, which
2 would also make ridges hard to see; right?

3 A Correct.

4 Q Okay. And we, of course, did talk about
5 how there could be distortion that runs through a
6 print; right?

7 A Correct.

8 Q And that distortion doesn't have rhyme or
9 reason. It could be top, bottom, in the middle, it
10 could be all over the place; right?

11 A That's correct.

12 Q Okay. And distortion is usually
13 characterized by patterns of darkness or lightness
14 that obscures the definition of those ridges;
15 right?

16 A Yes.

17 Q Okay. And then finally, Officer Seavers,
18 prints can also be partial, meaning that you don't
19 have the entire surface of a finger or a palm or
20 whatever it is that was lifted from a crime scene;
21 right?

22 A Yes.

23 Q Okay. Officer Seavers, the more smudging
24 that there is, the harder a print is to compare it

1 to something else; right?

2 A Yes.

3 Q And the fainter that it is increases the
4 difficulty; right? And if -- I'm sorry, right?

5 A Yes.

6 Q And if you've got a lot of distortion, it
7 could be difficult to compare it to a known; right?

8 A Correct.

9 Q Okay. And if you got a partial print, the
10 smaller area that you have, the harder it could be
11 to compare to a known print, you may not have
12 enough information; right?

13 A I would have to see the actual print to
14 answer that. I mean, depends on how much.

15 Q Sure. Just generally if you got a small
16 area, clearly that's the only area you had to work
17 with; right?

18 A Right.

19 Q Okay. And any of those things alone could
20 make a comparison difficult or even impossible;
21 right?

22 A Sure.

23 Q And if you are able to identify in your
24 experience that you have all of those things on a

1 print, you know that's a risky print, right, a
2 difficult print?

3 A Possibly more difficult than a Mona Lisa.

4 Q Now, of course, when a print is difficult
5 -- I guess the reason why I say risky -- when a
6 print is difficult, you are going to have to make
7 sure that you are reading through all of those
8 difficulties to come to a conclusion you can be
9 confident; right?

10 A Yes.

11 Q Okay. Now, your method also includes
12 something called the "one dissimilarity rule;"
13 isn't this right?

14 A I'm not familiar with that.

15 Q You're not familiar with that rule?

16 A No.

17 Q Okay. Let me put it this way. If you
18 found in a known print an area where you expected
19 to see -- or where you saw a bifurcation and you
20 looked in a similar area in the latent and you
21 didn't see one, is that something that you would
22 use to say that this is an exclusion?

23 A If it's explainable, no; if it's
24 unexplainable, yes.

1 Q Okay. And so if you got a print where you
2 see the things that we just talked about --
3 smudging, distortion, faintness, partial prints --
4 and you got that dissimilarity, you're going to
5 need more information that makes you feel confident
6 in your conclusion; right?

7 A Yes.

8 MR. CAVISE: Oh, I'm sorry, Judge. What was it
9 People's Exhibit No. 16?

10 MS. WATROBA: This one, Judge, 16.

11 MR. CAVISE: Yes. Okay.

12 All right. Judge, this copy isn't marked
13 of course --

14 THE COURT: It is on the back.

15 MS. WATROBA: The Judge has a copy. Is that
16 the same one?

17 MR. CAVISE: Yes, it is the same one. I
18 just want to show it.

19 You want me to use that one, Judge?

20 THE COURT: It doesn't matter.

21 MR. CAVISE: Okay.

22 BY MR. CAVISE:

23 Q Officer Seavers, I'm showing you what was
24 marked as People's Exhibit 16. Okay. And this has

1 already been admitted into evidence.

2 A Yes.

3 Q Okay.

4 MR. CAVISE: Judge, may I publish this?

5 MS. WATROBA: No objection.

6 THE COURT: All right.

7 (Short pause.)

8 BY MR. CAVISE:

9 Q Can you see that, Officer Seavers?

10 A Pretty good.

11 Q Officer Seavers, at the bottom of the

12 screen, you see the word "known"; is that right?

13 A Correct.

14 Q And that, as far as you can tell, that's

15 your -- that's the exact same image as you're

16 holding in front of you; right?

17 A Yes.

18 Q Okay. And that's your handwriting?

19 A Yes, it is.

20 Q And so what you're seeing here is just that

21 one print. Okay?

22 A Uh-huh.

23 Q Right. Okay. In this print, you can see

24 clearly black inked ridges; right?

1 A Yes.

2 Q And you see that the ridges in this known
3 print really almost all the way through it are
4 uninterrupted; right?

5 A Yes.

6 Q And in this known, you can make out pretty
7 easily the directional flow of these ridges; right?

8 A Correct.

9 Q And you can even see -- we talked about
10 level three features, you can even see some these
11 white pores -- so like the left of the center of
12 print, you can see some white pores; right?

13 A That's correct.

14 Q Okay. There's really no distortion on this
15 print; right?

16 A Very little.

17 Q Perhaps maybe at the bottom -- and the
18 bottom that's explainable by the knuckle; is that
19 right?

20 A The crease.

21 Q The crease. Okay. There's no smudging in
22 this print; right?

23 A At the top, but --

24 Q In that top -- that -- let's see. Looking

1 at the top, sort of left and right of the center,
2 there is some smudging; right?

3 A Correct.

4 Q Okay. And that blurs those ridges there;
5 doesn't it?

6 A Yes, it does.

7 Q Okay. This print is a full fingerprint,
8 though; right?

9 A No. There's no --

10 Q I'm sorry. Go ahead.

11 A Every time that a fingerprint is laid and
12 an impression is left, it's never left the same
13 twice, so there's always going to be a little
14 something missing or something added.

15 Q Sure. But this same fingerprint was taken
16 by the Chicago Police Department; right?

17 A Yes.

18 Q Okay. And in so far as the space allows
19 this is a full fingerprint that you, of course,
20 could use in your examination?

21 A Yes, it is.

22 Q Okay. Now, this has a lot of information
23 in it; right?

24 A Yes.

1 Q This is the standard that you need to have
2 to do your job?

3 A Yes.

4 Q Okay. That's the latent print; right?

5 A Yes.

6 Q The bottom left corner of this print -- I
7 mean, we're looking at a black and white image;
8 right, Officer Seavers?

9 A That's correct.

10 Q Okay. The bottom left portion of this
11 print there's white lines going through the bottom
12 left portion. That's distortion; isn't it,
13 Officer?

14 A That would be correct.

15 Q Okay.

16 A Striation marks as we would refer to it.

17 Q Sure. And the top right of this print,
18 you've got -- there's actually black lines and
19 white lines that are striations; right?

20 A Correct. I see the white, yes.

21 Q Which is distortion; right?

22 A Yes.

23 Q Okay. And in the center of this print -- I
24 know you got a couple red dots there and then

1 there's like a -- I don't know the term but there's
2 like a black island kind of in between those two
3 red dots; right?

4 A You would have to point, I don't know where
5 you're referring.

6 Q So I'm really looking at best I can say the
7 middle of the print, and I am pointing to these two
8 red dots one above the other separated by probably
9 by two inches on the screen. There's these clear
10 black marks right here. I don't know what they
11 are. But you see these -- this black mark in the
12 middle of those two dots?

13 A Yes, I do.

14 Q And around that area is much fainter than
15 the rest of that latent; isn't it Officer Seavers?

16 A Yes, it's lighter.

17 Q Okay. And the information -- or here
18 rather, this image that you've marked with the red
19 dots, you're not seeing really uninterrupted ridge
20 line that we clearly saw on the known print; right?

21 A It's not as clear as the known print, no.

22 Q Okay. There's a significant difference,
23 Officer Seavers, between the quantity of
24 uninterrupted ridge lines in this print than from

1 the known. That's right, isn't it?

2 A Yes.

3 Q Okay. And this is clearly, Officer

4 Seavers, this is a partial portion of the finger;

5 right?

6 A Correct.

7 Q Okay. Officer Seavers, this image of the

8 latent you scanned into your computer; right?

9 A That was a lift.

10 Q Right. Excuse me. So this --

11 A Yes.

12 Q -- is the actual, physical lift?

13 A Right.

14 Q Okay. And you scanned that lift at your

15 desk into your computer system; right?

16 A Yes.

17 Q Right. And you do that at a high enough

18 quality such that AFIS can use its algorithms to

19 give you a suspect list; right?

20 A Well, I put the actual physical lift in

21 AFIS, I didn't use the digital image.

22 Q Yes, I know. Perhaps I'm not being clear.

23 A Right.

24 Q You edited this image; right, the lift?

1 The image that you put into -- so there's -- I'm
2 sorry. Let me try to back up, okay? There's a
3 physical lift.

4 A Yes.

5 Q The information that we're looking at on
6 the screen is not the entirety of the physical
7 lift; right?

8 A Entirety, meaning?

9 Q Meaning in your judgment you took what you
10 believed to be relevant to your comparison and you
11 cropped out the other --

12 A Correct.

13 Q Okay. And then you ran -- you scanned that
14 into your computer in order to run it through AFIS;
15 right?

16 A No. I scan it for -- yes, I'm sorry. I'm
17 -- back up. Strike that. I did put that through
18 AFIS, yes.

19 Q You decided what information on that lift
20 could potentially be useful and scanned it in?

21 A Yes.

22 Q And you gave me a printout of that screen.
23 This's what you're holding in your hand --

24 A Correct.

1 Q -- and that's what we're seeing on the
2 screen?

3 A Correct.

4 Q All right. When you did your comparison,
5 Officer Seavers, you didn't put any red dots on the
6 evidence; right?

7 A Correct.

8 Q Okay. And you don't put any red dots on
9 the latent in the computer program; right?

10 A That's correct.

11 Q When you're doing your comparison, you're
12 not marking any of the things that you're seeing?

13 A No.. Just mentally.

14 Q Mentally marking. And I think it's been
15 admitted into evidence but that larger blowup of
16 the latent print next to the known, I think it's an
17 identical image; right? You will recall it, having
18 seen that on direct?

19 A Which exhibit are you referring to?

20 Q People's 17. Is that correct? I just want
21 to get the number right. This is the same image
22 blown up; right?

23 A This of the latent print, yes.

24 Q Right. And you created that for trial

1 shortly before our last court date in February;
2 right?

3 A That's correct.

4 Q That also was not used during your
5 examination?

6 A No, that was not.

7 Q Officer Seavers, the first time that you
8 ever saw my client's fingerprint was after you ran
9 this print through AFIS; right?

10 A Correct.

11 Q I'm terribly sorry. Officer Seavers, in
12 response to my subpoena, you did send me a copy of
13 the AFIS screening; correct?

14 A I did.

15 Q All right. And that AFIS screen printout
16 has -- just like the one you're holding -- a copy
17 of -- an image of the latent next to the known and
18 the difference is that it's got a candidate list;
19 right?

20 A Correct.

21 MR. CAVISE: Judge, can I have one moment to
22 find this candidate list?

23 THE COURT: Uh-huh.

24 (Short pause.)

1 MR. CAVISE: Judge, I'm -- may I approach and
2 mark this as Minor's Exhibit No. 5.

3 THE COURT: Go ahead.

4 MR. CAVISE: -- 6

5 (Minor's Exhibit No. 6 marked for
6 identification.)

7 THE COURT: I think it's 6.

8 MR. CAVISE: Okay.

9 BY MR. CAVISE:

10 Q Officer Seavers, is this the document that
11 I just asked you about, is this the AFIS screen?

12 A Yes, it is.

13 Q And you do compile the response to
14 subpoenas yourself; right?

15 A Yes.

16 Q And you sent me this document?

17 A Yes.

18 Q This is a reflection of the screen on that
19 day when you ran the search?

20 A Yes.

21 Q Okay.

22 MR. CAVISE: Judge, I would seek to admit this
23 and publish from it.

24 THE COURT: Any objection?

1 (Discussion off the record.)

2 MS. WATROBA: No objection.

3 THE COURT: All right. There being no
4 objections, I will move into evidence what's been
5 previously marked as Minor Respondent's Exhibit No.
6 6.

7 (Minor's Respondent's Exhibit No. 6
8 admitted into evidence.)

9 MR. CAVISE: Okay. So then I'll publish if
10 that's all right with you.

11 THE COURT: Go ahead.

12 BY MR. CAVISE:

13 Q This is the same document that I just
14 showed you; right?

15 A Yes, it is.

16 Q And what we're looking at underneath the
17 known and the latent is a list of possible
18 candidates this AFIS gives you; right?

19 A Correct.

20 Q Okay. And in this instance -- this is just
21 zooming in on the AFIS's candidate list -- in this
22 instance -- and it's actually kind of -- the
23 computer printout is sort of blurred on our screen
24 here; is that fair to say, Officer Seavers?

1 A Yes.

2 Q That first position is the one that you

3 conducted your comparison against; right?

4 A Correct.

5 Q Okay. And you learned that that print

6 belonged to my client; is that right?

7 A That's correct.

8 Q After that point, you didn't print out any

9 print cards for any of the other members on this

10 AFIS candidate list?

11 A I did not.

12 Q And AFIS in this instance, gave you nine;

13 right?

14 A Correct.

15 Q You've had instances where it gives you

16 more?

17 A You can put how many candidate you would

18 like for it to send.

19 Q Choose how many people you want to see?

20 A How many candidate, yes.

21 Q And then very briefly, Officer Seavers, I

22 think that you said that the verification process

23 is quote independent; right?

24 A An independent examiner, yes.

1 Q So --

2 A Examination of another examiner, excuse me.

3 Q When you engage in that part of the -- of
4 your method, in your unit, the next analyst knows
5 your conclusion; right?

6 A They do.

7 Q Okay.

8 MR. CAVISE: Judge, can I have just a moment?

9 THE COURT: Yes.

10 (Short pause.)

11 BY MR. CAVISE:

12 Q Sorry, Officer Seavers, one thing that you
13 can't tell us about the print is any specific day
14 that it may have been left at the scene; right?

15 A That's true.

16 Q And you couldn't tell us what time it was
17 left at the scene?

18 A That's true.

19 Q And you can't really tell us anything about
20 the conditions under which it may have been left at
21 the scene; right?

22 A That's true.

23 Q And -- right. So your examination and your
24 depth of knowledge is confined to your examination

1 of a latent to a known and that's it; right?

2 A Correct.

3 Q Okay.

4 MR. CAVISE: All right. I have nothing
5 further, Judge. I will tender the witness.

6 THE COURT: All right.

7 Anything on redirect?

8 MS. WATROBA: Briefly, your Honor.

9 THE COURT: All right.

10 RE-DIRECT EXAMINATION

11 BY MS. WATROBA:

12 Q Officer Seavers, is it generally accepted
13 in your field to compare partial latent impressions
14 to known standards?

15 A Yes.

16 Q And to reach conclusions based on those
17 comparisons?

18 A Yes, it is.

19 Q And when you did your comparisons in this
20 case both to the first inked standard and the
21 second standard from ~~XXXX-XXXX~~s, did you take
22 into consideration factors such as the faintness of
23 Impression D, any potential smudging, any
24 distortion in your evaluation of that print?

1 A Yes, I did.

2 Q And did you -- and you determined that it
3 was suitable for comparison?

4 A Yes.

5 Q And did anything that Defense Counsel asked
6 you about utilizing the TV and the images depicted
7 up there about the prints in any way impact the
8 conclusions that you've already testified to in
9 court today?

10 A No.

11 MS. WATROBA: No further questions.

12 THE COURT: Any recross?

13 MR. CAVISE: Nothing based on that, Judge.

14 THE COURT: All right. You can step down.

15 Is she free to go?

16 MS. WATROBA: Yes, Judge.

17 THE COURT: All right.

18 (Discussion off the record.)

19 MS. RAILSBACK: Your Honor, with that the
20 People rest.

21 (Discussion off the record.)

22 THE COURT: All right. So I have Exhibits 1
23 through 17 for the State and Exhibit No. 6 for the
24 Minor Respondent as those items that were admitted.

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

IN RE:

[REDACTED],

Minor.

)
)
) No. [REDACTED]
)
)

REPORT OF PROCEEDINGS had at the hearing
of the above-entitled cause, before the Honorable JUDGE
CYNTHIA RAMIREZ, Judge of said court, on the 1st day of
March, 2017, in Courtroom 2.

PRESENT:

HON. KIMBERLY M.B FOXX,
State's Attorney of Cook County, by:
MS. TAYLOR RAILSBACK, and
MS. AMY WATROBA,
Assistant State's Attorneys,
on behalf of the People;

HON. AMY P. CAMPANELLI,
Public Defender of Cook County, by:
MS. TAMAR SIRKIN, and
MR. JOSEPH CAVISE,
Assistant Public Defenders,
on behalf of the Minor Respondent.

Claretta Ross
Official Court Reporter 1

1 THE COURT: All right. I've had an opportunity
2 to review all of the exhibits that were presented
3 to the Court as well as my notes.

4 After having reviewed all of the exhibits
5 as well as my notes, I find at this time that the
6 State has failed to meet its burden beyond a
7 reasonable doubt as to the allegations in the
8 petition.

9 I will note that I was bothered by the fact
10 that the sole piece of evidence that was presented
11 to the Court was one fingerprint, in particular
12 given that the testimony of the technician who went
13 out to the home was that he had made five lifts
14 that he deemed to be suitable lifts. And the
15 testimony of Officer Seavers, the latent print
16 examiner, was that she examined only one lift.

17 She did not testify or tell me or give me
18 an explanation as to why the other four lifts were
19 not examined. I can't assume that they were not
20 suitable given that she did not testify to the fact
21 that they were not suitable.

22 So the testimony being basically that she
23 examined one lift out of the five lifts, the item
24 that was lifted was an item that the father

1 testified he knew to be in a drawer, but I had no
2 evidence to say that, in fact, that item was in
3 drawer on the date in question of [REDACTED]
4 going into the [REDACTED] when the family left for their
5 pilgrimage to [REDACTED].

6 I'm simply not comfortable saying that in
7 one fingerprint is sufficient beyond a reasonable
8 doubt. I'm also questioning the value of the
9 testimony of Ms. Seavers when she testifies that
10 her training entailed a bachelors degree in
11 architecture and design with no background in
12 biology, science, or mathematics. That she became
13 a latent print examiner by virtue of 240 hours of
14 classroom training and a one year apprenticeship or
15 shadowing process, that she obtained her status as
16 a latent print examiner sometime in 2008, there is
17 no certification process certifying her as a latent
18 print examiner, and that during the period between
19 2008 and 2015 when the incident -- or the
20 comparison that she made occurred, she had little,
21 if any, follow-up training.

22 She indicated that in 2009 she had none.
23 In 2010, she had a two-day program that she
24 attended. In 2011, 12, 13, and 14, she did not

1 obtain any form of follow-up training. In 2015,
2 she obtained a follow-up training but that training
3 was with regard to error rates and not with regards
4 to any comparison or analysis or evaluation process
5 of latent print examination.

6 I'm also concerned about the fact that the
7 CPD Lab has no accreditation, no auditing system,
8 no quality review, no error check process, no
9 written professional development bench marks, that
10 there's no standard operating procedures or
11 guideline.

12 I don't know if -- what print -- how many
13 comparisons are considered to be good, bad, not
14 bad. I simply don't know. And based on the fact
15 that that information was not presented to the
16 Court and it appears to be void, the fact that
17 Ms. Seavers lacks in follow-up training, leading up
18 to this incident or to her evaluation, and the fact
19 that she compared one print, one lift when she had
20 five at her disposal and gave no explanation or
21 understanding to this Court as to why she chose to
22 stop after one fingerprint.

23 The Court is not satisfied that one print
24 comparison is sufficient for a finding beyond a

1 reasonable doubt.

2 That's my ruling.

3 MS. SIRKIN: Thank you, Judge.

4 (Which were all the proceedings
5 held in the above-entitled
6 cause.)

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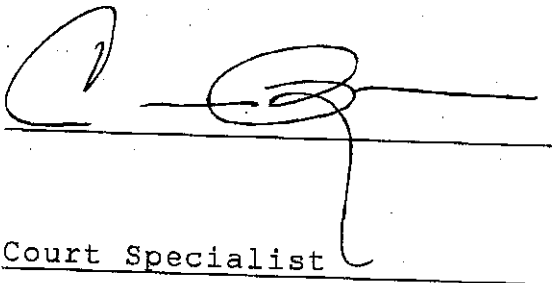
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STATE OF ILLINOIS)
COUNTY OF C O O K) SS.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

I, Claretta Ross, certify the foregoing to
be a true and accurate transcript of the electronic
recording of the proceeding of the above-entitled
cause which recording contained a certification in
accordance with rule or administrative order.



Court Specialist

DATE: March 9, 2017